

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Bernice Burns,)	
)	
)	
-v-)	06-0760
)	
Peoples Gas Light and Coke Co.,)	
)	
Complaint as to billing/charges in)	
Chicago, Illinois.)	

ADMINISTRATIVE LAW JUDGE'S PROPOSED ORDER

By the Commission:

On November 28, 2006, Ms. Burns filed a Complaint alleging that Peoples Gas Light and Coke Co. ("Peoples Gas" or "PGL") charged her for gas service that she did not receive. In her Complaint, Ms. Burns alleged that Peoples Gas charged her for gas supplied to the previous tenant in her apartment on 96th St., Ms. King. Peoples Gas filed a verified Answer, in which, it contended that no part of Ms. Burns' outstanding bill was incurred by a previous tenant.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, this matter came on for trial before a duly authorized Administrative Law Judge of the Commission at its offices in Chicago, Illinois on April 26, 2007. Ms. Burns appeared pro se and Peoples Gas was represented by counsel. Ms. Burns testified on her behalf and John Riordan, a Supervisor in the Billing Department at Peoples Gas, testified on behalf of Peoples Gas. At the conclusion of the hearing, the record was marked "heard and taken."

Ms. Burns testified that, in June of 2004, she resided at 7101 South Halsted St. Also in June of 2004, Peoples Gas shut off her gas service. (Tr. 29).

In May of 2005, Ms. Burns moved from an apartment at 7101 South Halsted St. to an apartment on 96th St. (Tr. 28). When she moved to the apartment on 96th St, she requested gas service to the apartment on 96th St. (Tr. 29). At that time, PGL sent Ms. Burns a gas bill for service to the apartment on Halsted St. Ms. Burns averred that this bill was erroneous because the gas to the apartment on Halsted St. had been shut off in June of 2004 and the gas service to the apartment on Halsted St. was for gas that was supplied after June of 2004. (*Id.*).

Mr. Riordan is a supervisor in the Billing Department at Peoples Gas. (Tr. 30). He testified that service to Ms. Burns' apartment at 7101 South Halsted St. was shut off in June of 2004 because Ms. Burns' account was in arrears. (Tr. 37). Since Ms. Burns still

owned PGL money, from August of 2004 through December of 2004, PGL assessed Ms. Burns late charges on her delinquent account. These late charges were approximately \$5.00 per month. (*Id.* at 38).

Also, drive-by meter readings taken after June of 2004 disclosed that gas had been turned back on to the apartment at 7101 South Halsted St. (Tr. 38-39). The re-billed amount was from the time of the last meter reading, which occurred in May of 2004, just before the gas was shut off, through April of 2005. (*Id.* at 39). In April of 2005, the amount due for additional usage was \$1,079.29. The total balance owed was \$1,433.98. (*Id.* at 39).

In May of 2005, Ms. Burns applied for gas service at to the new apartment on 96th St. (*Id.* at 39). At that time, PGL employees took the bill owed for the Halsted St. apartment and transferred it to the account for the 96th St. apartment. (*Id.* at 39-40). Ms. Burns also received credits from a LIHEAP grant and credits for various deposits. (See, e.g., Tr. 45-48; 58). The balance due as of June, 2006, including interest and gas supplied subsequently to the apartment on 96th St., is \$2,727.90. (Tr. 47).

While Ms. Burns contends that she received no gas after it was shut off, PGL presented credible evidence establishing that Ms. Burns' gas meter continued to register gas usage after gas to the apartment on Halsted St. was shut off. Ms. Burns provided no evidence that would explain or refute PGL's evidence on this issue. Ms. Burns did not establish that PGL improperly billed her. Ms. Burns' Complaint should be dismissed, with prejudice.

Findings and Ordering Paragraphs

The Commission, having considered the entire record and being fully advised in the premises, find that:

- (1) Peoples Gas Light and Coke Company is a "public utility" as is defined in the Public Utilities Act;
- (2) this Commission has subject-matter jurisdiction and jurisdiction over the parties;
- (3) the recitals of fact and conclusions of law in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact and conclusions of law;
- (4) the Complaint filed by Ms. Burns on November 28, 2006, contesting gas charges for service to 7101 South Halsted St. should be dismissed, with prejudice.

IT IS THEREFORE ORDERED that the Complaint filed by Ms. Burns on November 28, 2006, contesting gas charges for service to 7101 South Halsted St. is dismissed, with prejudice.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code Section 200.880, this Order is final; it is not subject to the Administrative Review Law.

Claudia E. Sainsot
Administrative Law Judge
Illinois Commerce Commission

Briefs on Exception to be filed and served by: June 26, 2007.

Reply Briefs on Exceptions to be filed and served by: July 7, 2007.